

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION

UNITED STATES)	
)	
v.)	Case No. 4:17cr293 BSM
)	
MARCUS O. MILLSAP, aka Red)	

UNITED STATES' MOTION FOR ORDER FOR ISSUANCE OF SUBPOENA PURSUANT
TO FEDERAL RULE OF CRIMINAL PROCEDURE 17(c)

Comes now the United States by Jonathan D. Ross, United States Attorney and Liza Brown and Stephanie Mazzanti, Assistant United States Attorneys, for the Eastern District of Arkansas, and moves the Court to issue a subpoena pursuant to Federal Rule of Criminal Procedure 17(c).

I. BACKGROUND

On September 3, 2019, a federal grand jury indicted defendant Marcus O. Millsap ("Millsap") on multiple charges in a second superseding indictment. Nine defendants, including Millsap, Wesley Gullett, and Jeffrey Knox, were charged with conspiracy to violate the Racketeer Influences and Corrupt Organizations Act (RICO), in violation of 18 U.S.C. § 1962(d) (Count 1). Millsap, Gullett, and Knox were charged with aiding and abetting attempted murder in aid of racketeering, in violation of 18 U.S.C. §§ 1959(a)(5) and 2 (Count 2). Forty-four defendants, including Millsap, Gullett and Knox, were charged with conspiracy to distribute and possess with intent to distribute methamphetamine, in violation of 21 U.S.C. § 841(a)(1), 841(b)(1)(A) (Count 10).

The jury returned verdicts of guilty as to Counts 1, 2, and 10. Subsequent to the jury verdict, the U.S. Probation office began the collection of information to draft Millsap's Presentence Investigation Report. This report includes, inter alia, information regarding the defendant's financial condition, including his ability to pay a fine. Despite several requests from the probation

office and the government, as of today's date, Millsap has not provided any financial information to the U.S. Probation office. The United States requests that the Court issue a subpoena to Sharon Carr for the information set forth below to be produced on or before November 1, 2022, pursuant to Federal Rule of Criminal Procedure 17(c), in order to assess whether the imposition of a fine is appropriate.

II. MOTION FOR ORDER FOR ISSUANCE OF TRIAL SUBPOENA PURSUANT TO FEDERAL RULE OF CRIMINAL PROCEDURE 17(c)

Fed. R. Crim. Pro. 17(c)(1), in part, authorizes the Court to direct a witness to "produce the designated items in court before trial or before they are to be offered in evidence. When the items arrive, the court may permit the parties and their attorneys to inspect all or part of them."

The United States requests this Court issue an Order directing the Clerk's office to issue a subpoena to Sharron Carr for any and all records, information, and correspondence (including text messages and emails) identifying and detailing the value of any asset of Marcus O. Millsap, including any assets held in trust for the benefit of Marcus O. Millsap, his spouse Kristin Millsap, his dependents, or his children, and any asset with a value in excess of \$1,000 transferred from Marcus O. Millsap to any other individual, trust, or company since February 5, 2019. Attached as Exhibit A is a proposed subpoena to be issued by the Clerk's Office.

The financial information currently contained in the Presentence Investigation Report is information that the United States collected in 2016 during the investigation. Through the course of the investigation, the United States learned that Marcus Millsap has a trust fund and several bank accounts containing large sums of money. The investigation also revealed that Sharon Carr is responsible for the handling of Millsap's finances.

The United States requests that after the subpoena is prepared by the Clerk's office, the Court authorize the Bureau of Alcohol, Tobacco, Firearms and Explosives Task Force Officer

Michael Evans to serve the subpoena on Ms. Carr. The United States further requests that the subpoenaed material be ordered returned to the Court on or before November 1, 2022, and that the Court permit the parties to copy the records that are obtained pursuant to the subpoena authorized under Fed. R. Crim. P. 17(c)(1). The United States intends to provide such records to the United States Probation Office to ensure the inclusion of relevant financial information for the Court's consideration.

WHEREFORE, the United States requests that the Court issue a trial subpoena pursuant to Federal Rule of Criminal Procedure 17(c).

Respectfully submitted,

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